

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA

v.

RICARDO QUINTANILLA
ARTURO CUELLAR, JR.
DANIEL GARCIA

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7:19-cr-0522

DEFENDANT'S REPLY RE: MOTION TO CONTINUE AND EXTEND

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, DANIEL GARCIA, by and through his undersigned counsel, and respectfully files this reply to the government's response to his motion to continue and extend.

In its response, the government seems to ignore one of cited reasons for the requested continuance: the pandemic, and the resulting health risks and the challenges it poses to selecting a representative jury and holding a fair trial.

Instead, the government focuses only on the discovery issues and seeks to minimize them and the resulting need for more preparation time before trial. The government's piecemeal and recent discovery production can perhaps best be summarized in the below chart, prepared by codefendant's counsel Jaime Pena:

Government Discovery Summary

	January	February	March	April	May	June	July	August	September	October	November	December
2019			1 3/29/19	1 3/29/19			1 3/29/19	5 4/6/19				
2020	4 3/10/20				5 4/10/20	6 4/20/20	7 4/20/20	8 4/21/20			9 4/23/20	
2021		11 3/29/21	11 3/29/21	11 3/29/21	★							

As illustrated by the chart, there have been two discovery productions in the last week. The most recent one was mailed out on Friday March 26, 2021, and based on the Bates numbers referenced by the government, is expected to consist of almost one thousand pages—992 pages to be exact. While the defense appreciates the government's continuing efforts to meet its discovery obligations, the receipt of almost 1,000 pages of additional discovery less than one month before trial and about a week before the extended deadline for defense motions and exhibit/witness lists will surely require more time for the defense to adequately prepare motions and any exhibit/witness list and to prepare for trial.

Accordingly, the defense respectfully requests that the final pretrial hearing and jury selection be continued and that its motions deadline and any associated deadlines (such as any exhibit/witness lists the defense may be required to file) be extended for at least 60 days.

Respectfully submitted,

s/Christopher Sully
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CERTIFICATE OF CONSULTATION

As stated in the motion to continue and extend, the government is opposed to this motion, and codefendants' counsel Jaime Pena and Carlos Garcia joined this motion and reply.

s/Christopher Sully
CHRISTOPHER SULLY

CERTIFICATE OF SERVICE

On March 29, 2021, this reply was served on all counsel of record via ECF.

s/Christopher Sully
CHRISTOPHER SULLY